

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES SCOTT ALVA,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendant.

1:24-cv-00686-JLT-SKO

**ORDER EXTENDING DEADLINE TO PAY
THE REQUIRED FILING FEE**

30-DAY DEADLINE

Plaintiff James Scott Alva¹ is a federal prisoner proceeding pro se in a civil rights action pursuant to *Bivens vs. Six Unknown Agents*, 403 U.S. 388 (1971).

I. PROCEDURAL HISTORY

Plaintiff initiated this action with the filing of his complaint on June 12, 2024. (Doc. 1.) The complaint was not accompanied by the required filing fee or an application to proceed *in forma pauperis*.

On June 13, 2024, the Court issued its “First Informational Order in Prisoner/Civil Detainee Civil Rights Case.” (Doc. 2.) The following day, the Court issued its Order to Submit Application to Proceed *In Forma Pauperis* or Pay Filing Fee Within 45 Days. (Doc. 3.)

On June 26, 2024, Plaintiff filed a document titled “Subpoena.” (Doc. 4.) The document

¹ Plaintiff also identifies himself as “jim-SCOTT:COLE.” (See Doc. 1 at 1.)

1 purports to issue a “writ … under the authority of a court to compel TEAM QUEBEC to pay this
2 debt in full … [¶] \$405 to the EASTERN DISTRICT COURT.” (*Id.*) “TEAM QUEBEC” is
3 identified as follows: “E. APPLETON-Unit Manager; ECHEVERRIA-Case Worker; F.
4 SEVERANCE- COR.” (*Id.*) The document further states: “On behalf of the ALVA, JAMES
5 SCOTT, ADM, Pay this court.” (*Id.*)

6 On June 27, 2024, Plaintiff filed a first amended complaint. (Doc. 5.) On July 16, 2024,
7 Plaintiff filed a document titled “Bill of Exchange.” (Doc. 6.) The document identifies this Court
8 as “Payee,” recites the sum of \$405, and states the following:

9 ACCOUNT NUMBER: 41149-48903-048
10 ALVA, JAMES SCOTT, 18 U.S.C. § 2 – PRINCIPAL
11 TEAM QUEBEC
12 E. APPLETON UM)
13 F. SEVERANCE COR) Agent(s) or Payor(s)
14 ECHEVERANCE C/W)

15 (Doc. 6.) It further reads: “WARRANT LEVEL I, has \$500,000.00 in it, lets go ahead and use
16 this money, which I believes is mine RIGHT?” (*Id.*)

17 The Court issued Findings and Recommendations to Dismiss Action for Failure to Obey
18 Court Order and Failure to Prosecute on July 17, 2024. (Doc. 8.) Objections were due within 14
19 days of the date of service of the order. (*Id.* at 5.)

20 On August 2, 2024, Plaintiff filed an untitled document with the Court.² (Doc. 9.)
21 Plaintiff states he is “now being moved from” the prison in Mendota to “USP Victorville,” he sent
22 the Court “a letter on 18th of July” “certified mail on July 21, 2024” and another document on
23 July 22, 2024. (*Id.*) Plaintiff contends he learned from a prison official on July 24, 2024, that
24 those documents “didn’t make it.” (*Id.*) He states his dictionaries “were stolen” on July 23, 2024,
25 and he is “now having an issue with the TEAM OF QUEBEC.” (*Id.*) He requests “time to have
26 the NEW TEAM, with a BP 199 form,” and adds that he has “500 dollars in my account…but its
27 only because the TEAM QUEBEC of MEN-MENDOTA FCI, are my defendant(s).” (*Id.*)

28 _____
29 ² The filing was docketed as a Notice of Change of Address, and the Clerk of the Court re-served the
30 Findings and Recommendations to Plaintiff at his new address (U.S.P. Adelanto, P.O. Box 3900,
31 Adelanto, CA 92301) that same date.

1 On August 5, 2024, the Court issued its “Order Granting Extension of Time Within Which
2 to File Objections to the Court’s Findings and Recommendations, or to Pay the Required Filing
3 Fee.” (Doc. 10.) Plaintiff was provided 30 days within which to file any objections or to pay the
4 filing fee in full. (*Id.* at 3.) Because the Court learned Plaintiff was housed at the United States
5 Penitentiary (USP) Tucson according to the Bureau of Prisons’ inmate locator tool, the Clerk of
6 the Court was also directed to serve the order to Plaintiff at the address on record with the
7 Court—USP Adelanto, California—and USP Tucson. (*Id.*)³

8 On August 5, 2024, Plaintiff also filed a document titled “Hostage, Attempted Murder,
9 Theft of my mail.”⁴ (Doc. 11.) Plaintiff appears to indicate he received the Court’s Findings and
10 Recommendations on or about July 18, 2024. (*Id.*) He recounts multiple transfers to federal
11 correctional institutions, states he refused to sign certain documents because his “real name is not
12 ALVA, JAMES SCOTT,” was “tortured for 181 days in the SPECIAL JURISDICTIONS,” and
13 correctional officials are “attempting the death of [his] life.” (*Id.*)

14 On August 12, 2024, Plaintiff filed another untitled document with the Court.⁵ (Doc. 12.)
15 Plaintiff states he has “been denied the right to use you[r] ADMINISTRATION REMEDY
16 program,” that he is not an attorney and does not have a copy of the Court’s rules and is not a
17 citizen of either California or Nevada. (*Id.*) Plaintiff states he is “trying to shut down this
18 FUNCTION, per the group of 3 sharing a public administration, by civil authority and ancient
19 Rome.” (*Id.*) He states the “U/M is denying” him the “Right to do a BP 199 form, for 405
20 dollars,” and asks the Court to “investigate her actions, on the denial of my rights to use such
21 policy, this violates the ACA standards.” (*Id.*) Plaintiff also asks the Court to “send a bill to
22 TERRY DIHN for 50 dollars a month, and most likely it will be taken care of, or you could wait
23 until I am moved out of this private facility” (*Id.*) Plaintiff states he does have “enough money
24

25 ³ A search of the Bureau of Prison’s inmate locator tool using Plaintiff’s name and/or register number
26 reveals Plaintiff remains housed at USP Tucson. <https://www.bop.gov/inmateloc/>, as of 8/27/2024.

27 ⁴ This document was docketed as “Second Response to Order.”

28 ⁵ This document was docketed as “Objections to Findings and Recommendations.”

1 to pay your courthouse, but the TEAM QUEBEC is the defendant in this case, which proves the
2 negligence in this case: an intentional or willful failure to perform a clear duty, recklessly
3 disregarding the consequences of injury to my person and my property that attend such ‘failure
4 ...’ what kind of justice is this, when the magistrate helps the TEAM, instead of the LAW.” (*Id.*)

5 On August 13, 2024, and August 26, 2024, mail directed to Plaintiff at USP Adelanto was
6 returned to the Court marked “Undeliverable” and “Unable to Forward.”

7 **II. DISCUSSION**

8 The Court construes Plaintiff’s August 12, 2024, filing as objections to the pending
9 Findings and Recommendations to dismiss this action. Because Plaintiff has indicated he has the
10 funds available to pay the required filing fee and has apparently made attempts to do so, out of an
11 abundance of caution, the Court will grant Plaintiff *one final opportunity* to pay the filing fee in
12 full and to avoid dismissal of this case.

13 Plaintiff is advised this Court will not “investigate” any matter concerning a “BP 199
14 form” on his behalf, and the Court will not “bill” any third party for the required filing fee for this
15 action. It is Plaintiff’s responsibility to arrange for payment of the required \$405 filing fee.

16 **III. CONCLUSION AND ORDER**

17 Based upon the above, **IT IS HEREBY ORDERED** that:

- 18 1. Plaintiff **SHALL** pay the required filing fee of \$405 within 30 days of the date of
19 service of this Order to avoid dismissal of this action;
- 20 2. If after 30 days, Plaintiff has not paid the required filing fee in full, the Findings and
21 Recommendations issued July 17, 2024, and Plaintiff’s objections filed on August 12,
22 2024, will be submitted to the assigned district judge for consideration; and
- 23 3. The Clerk of the Court is **DIRECTED** to change Plaintiff’s address of record to USP
24 Tucson in Arizona and to serve this Order at that address.

25 IT IS SO ORDERED.
26

27 Dated: August 27, 2024

/s/ Sheila K. Oberto
28 UNITED STATES MAGISTRATE JUDGE